

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA**

ROBERT D. BELUE, et al.,)
)
Plaintiffs,)
)
vs.) Civil Action No.: CV-06-1034
)
A. O. SMITH ELECTRICAL)
PRODUCTS COMPANY, a division)
of A. O. SMITH CORPORATION;)
et al.,)
)
Defendants.)
)

MOTION TO DISMISS OR IN THE ALTERNATIVE
MOTION TO TRANSFER TO MDL

Comes now, the Defendant Honeywell, Inc. and moves the Court to either dismiss this Complaint with prejudice, or, alternatively, transfer this action to the United States Court for the Eastern District of Pennsylvania, and in support thereof, states as follows:

1. The Complaint fails to state a claim upon which relief may be granted.
2. Venue is improper in this Court.
3. The Complaint should be dismissed because a more convenient forum for this litigation exists in another United States District Court.
4. Upon information and belief, this case should be transferred to the United States District Court, Eastern District of Pennsylvania, for coordinated or consolidated pre-trial proceedings pursuant to 28 U.S.C. § 1407 as a "tag along action" pursuant to the order entered on July 29, 1999 by the Judicial Panel on Multi-District Litigation.

s/Frank E. Lankford, Jr.

Frank E. Lankford, Jr., Esquire
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Honeywell, Inc.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on 1 of February, 2008 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties.

s/Frank E. Lankford, Jr.

Frank E. Lankford, Jr., Esquire